

(3) Recommend a basis of settlement which adequately protects the interests of the Government, or

(4) Delay the effectiveness of its decision for a time period sufficient to allow the sponsor to appeal to the Administrator of RUS.

Failure to obtain a majority vote on any of the above actions shall mean that the product will continue to be listed or accepted.

Written notice of Committee "B's" decision stating the basis of the decision will be provided to the sponsor.

(i) *Appeal to the Administrator.* Within ten (10) days of the receipt of Committee "B's" decision, a sponsor may appeal to the Administrator to review Committee "B's" decision. If an appeal is made, the sponsor shall submit a written request to the Administrator, Rural Utilities Service, Room 4053, South Building, U.S. Department of Agriculture, Washington, DC 20250-1500 specifying the reasons to request reconsideration. The Administrator will have the option to decline the request, in which case the decision of Committee "B" shall stand. If a review is granted, the determination by the Administrator or the Administrator's designee shall be based on the record developed before Committee "A" and Committee "B" and such additional information as the Administrator may request. Formal rules of procedure and evidence shall not apply to the actions of the Administrator.

(j) *Action by the Administrator.* The Administrator may take one of the following actions:

(1) Order the immediate removal of the item from the listing, or technical acceptance,

(2) Condition its continued listing, or technical acceptance, or

(3) Recommend a basis of settlement which adequately protects the interests of the Government.

Written notice of the Administrator's determination, stating the basis for the decision, will be provided to the sponsor.

The Administrator's actions are final.

[50 FR 47711, Nov. 20, 1985. Redesignated at 55 FR 39395, Sept. 27, 1990]

#### § 1728.60 List of materials and equipment.

(a) *General.* Those items of material or equipment accepted by Technical Standards Committee "A" or "B," with the exception of technically accepted nondomestic items, will be listed in the List of Materials. Items which do not qualify as domestic products may be accepted on a technical basis only (technical acceptance) for a period of one year as provided in § 1728.30(c)(1) and will not be included in the List of Materials.

(b) *Publishing and Revisions.* RUS will reissue the List of Materials every year, dated July, and issue supplements, if needed, dated October, January, and April of every year. An RUS office copy, which is the official current copy, of the List of Materials, will be updated every time changes are made by the Technical Standards Committees.

(c) *Dual Listings.* RUS, through its Technical Standards Committees, will accept for listing only one item of a particular type of material or equipment for each manufacturer. If a manufacturer submits an item to perform the identical function of a listed item, RUS, through its Technical Standards Committees, may accept that item and remove the one previously listed. RUS will list only new items of material and equipment in the List of Materials. Used items will not be considered for listing.

[50 FR 47712, Nov. 20, 1985. Redesignated at 55 FR 39395, Sept. 27, 1990]

#### § 1728.70 Procurement of materials.

(a) *By Owner.* When purchasing the type of materials included in the List of Materials, RUS borrowers shall purchase only materials listed in the List of Materials, or materials which have a current technical acceptance by RUS and meet the "Buy American" requirement.

(b) *By Contractor.* When performing work for an RUS borrower, contractors shall supply only items from the general acceptance pages of the List of Materials, or obtain the borrower's concurrence prior to purchase and use of a technically nondomestic item or any item listed on a conditional basis.

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(c) *Procurement of Unlisted Items.* (1) The borrower shall request prior approval from RUS for use of an item that does not fall in categories established by RUS in the List of Materials for which acceptability has been established by the Technical Standards Committees.

(2) RUS will also determine, on a case-by-case basis, whether to allow use of an unlisted item in emergency situations and for experimental use or to meet a specific need. For purposes of this part 1728, an emergency shall mean a situation wherein the supply of listed material and equipment from the industry is not readily available, or the standard designs are not applicable to the borrower's specific problem under consideration.

(3) RUS will make arrangements for test or experimental use of newly developed items requiring limited trial use. RUS, working with the borrower and the manufacturer, will establish test locations for the items to facilitate installation and observation.

[50 FR 47712, Nov. 20, 1985. Redesignated at 55 FR 39395, Sept. 27, 1990]

### § 1728.97 Incorporation by reference of electric standards and specifications.

(a) The following electric bulletins have been approved for incorporation by reference by the Director of the Office of the Federal Register. The bulletins containing construction standards (50-3 to 50-6 and 1728F-803 to 1728F-811), may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. The bulletins containing specifications for materials and equipment (50-15 to 50-99 and 1728F-700) may be obtained from the Rural Utilities Service, Program Development and Regulatory Analysis, Stop 1522, Room 4028-S, Washington, DC 20250-1522. The terms "RUS form", "RUS standard form", "RUS specification", and "RUS bulletin" have the same meanings as the terms "REA form", "REA standard form", "REA specification", and "REA bulletin", respectively unless otherwise indicated. The bulletins are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700,

Washington, DC. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the FEDERAL REGISTER.

#### (b) *List of Bulletins.*

Bulletin 50-3 (D-804), Specifications and Drawings for 12.5/7.2 kV Line Construction (4-83)  
Bulletin 50-4 (D-801), Specification and Drawings for 34.5/19.9 kV Distribution Line Construction (11-86)  
Bulletin 50-6 (D-806), Specifications and Drawings for Underground Electric Distribution (3-90)  
Bulletin 50-15 (DT-3), RUS Specifications for Pole Top Pins with 1½" Diameter Lead Thread (1-51)  
Bulletin 50-16 (DT-4), RUS Specifications for Angle Suspension Brackets (3-52)  
Bulletin 50-19 (DT-7), RUS Specifications for Clevis Bolts (8-53)  
Bulletin 50-23 (DT-18), RUS Specifications for 60" Wood Crossarm Braces (2-71)  
Bulletin 50-31 (D-3), RUS Specifications for Pole Top Pins with 1" Diameter Lead Threads (2-79)  
Bulletin 50-32 (D-4), RUS Specifications for Steel Crossarm Mounted Pins with 1" Diameter Lead Threads (10-50)  
Bulletin 50-33 (D-5), RUS Specifications for Single and Double Upset Spool Bolts (2-51)  
Bulletin 50-34 (D-6), RUS Specifications for Secondary Swinging Clevises (12-70)  
Bulletin 50-35 (D-7), RUS Specifications for Service Swinging Clevises (9-52)  
Bulletin 50-36 (D-8), RUS Specifications for Service Deadend Clevises (9-52)  
Bulletin 50-40 (D-14), RUS Specifications for Pole Top Brackets for Channel Type Pins (9-51)  
Bulletin 50-41 (D-15), RUS Specifications for Service Wireholders (11-51)  
Bulletin 50-55 (T-2), RUS Specifications for Overhead Ground Wire Support Brackets (5-53)  
Bulletin 50-56 (T-3), RUS Specifications for Steel Plate Anchors for Transmission Lines (12-53)  
Bulletin 50-60 (T-9), RUS Specification—Single Pole Steel Structures, Complete with Arms (12-71)  
Bulletin 50-70 (U-1), RUS Specification for 15 kV and 25 kV Primary Underground Power Cable (12-22-87)  
Bulletin 50-72 (U-4), RUS Specification for Electrical Equipment Enclosures (5-35 kV) (10-79)  
Bulletin 50-73 (U-5), RUS Specifications for Pad-Mounted Transformers (Single and Three-Phase) (1-77)  
Bulletin 50-74 (U-6), RUS Specification for Secondary Pedestals (600 Volts and Below) (10-79)